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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 United States of America,  
10 Plaintiff,

11 v.

12 Erik David Smith,  
13 Defendant.

No. CR-09-00067-PHX-NVW

**ORDER OF DETENTION**

14 A detention hearing and a preliminary revocation hearing on the Petition on  
15 Supervised Release were held on January 5, 2018.

16 The Court Finds that the Defendant has knowingly, intelligently, and voluntarily  
17 waived his right to a detention hearing and a preliminary revocation hearing and has  
18 consented to the issue of detention being made based upon the allegations in the Petition.

19 The Court Further Finds that the Defendant has failed to sustain his burden of  
20 proof by clear and convincing evidence pursuant to Rule 32.1(a)(6), FED.R.CRIM.P.,  
21 that he is not a serious flight risk. *United States v. Loya*, 23 F.3d 1529 (9th Cir. 1994).

22 IT IS ORDERED that the Defendant shall be detained pending further order of the  
23 court.

24 Dated this 8<sup>th</sup> day of January, 2018.

25   
26 Honorable John Z. Boyle  
27 United States Magistrate Judge  
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